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Performing Statehood in Northern Kosovo : Discursive Struggle over Contested Space

Vulovic, Marina

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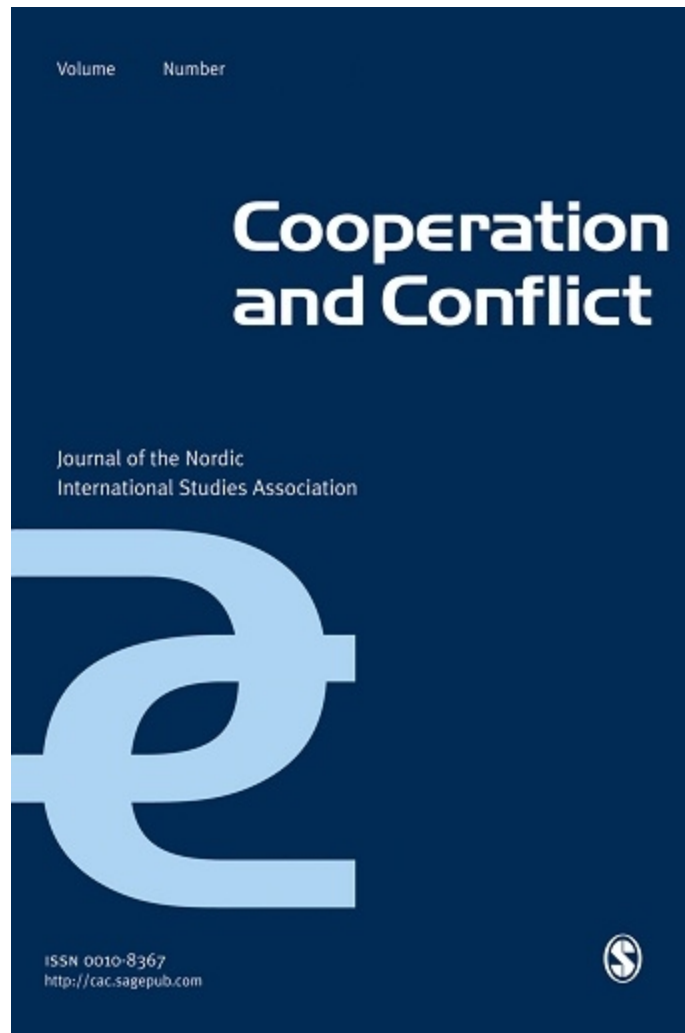
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Abstract:	Since Serbia and Kosovo began their political and technical dialogue mediated by the EU in 2011, numerous agreements were signed, but few of them implemented. Additionally, since 2018 the idea of partitioning Kosovo along ethnic lines has entered public debates. This article asks why that is the case and argues that Northern Kosovo – specifically, who has the right to claim statehood over this area – lies at the heart of why partition was suggested as a viable option and why so few agreements

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	have been implemented. In order to demonstrate this, the article adopts a performative view of statehood, particularly suitable for states "in-becoming", such as Kosovo. As only externally performed statehood has been examined so far, i.e. efforts for international recognition, this article extends performativity to internally negotiated statehood, against the background of two political systems competing for legitimacy in the long run. This is the case with Northern Kosovo, conceptualized as an area of overlapping limited statehood. The developed analytical framework can be extended to other cases of territorial disputes, such as Crimea or Palestine. The framework can also be expanded to explore performativity of statehood in areas where statehood is not institutionally disputed, but rather symbolically.



Introduction

Since Serbia and Kosovo began their technical dialogue mediated by the EU in 2011, seeking to solve their dispute, numerous agreements were signed, but few of them implemented. Most notably, these are *The First Agreement of Principles Governing the Normalization of Relations* (otherwise known as the Brussels agreement), initialled in April 2013, and the subsequent *Agreement on the Establishment of an Association/Community of Serbian Municipalities* (ACSM) from 2015. Most of the agreements resulting from the Brussels dialogue concern one particular area – Northern Kosovo, which is the subject of recent discussions on partition (or exchange of territories/“correction of borders”) as a potential solution to the Serbia-Kosovo dispute. The proposed land swap articulated in 2018 entails that Serbia would gain Northern Kosovo (predominantly populated by Serbs) in exchange for letting the Preshevo Valley (predominantly populated by Albanians) become part of Kosovo. If this happened, Serbia would recognize Kosovo as an independent state. After seven years of mediated dialogue between Serbia and Kosovo, how could this solution have been proposed as a viable option and, moreover, how could the previously-negotiated agreements offering a middle way have failed to be implemented?

This somewhat puzzling issue of Northern Kosovo and the implementation of agreements from Brussels has been discussed from various perspectives in current scholarship. Some research assesses the EU’s mediation efforts and their effectiveness in the Brussels dialogue (Bergmann, 2018; Bieber, 2015; Visoka and Doyle, 2016). Other research pays attention to local actors and how they bypass the implementation phase of EU conditionality through utilizing a range of resistance narratives (Troncotă, 2018), or it focuses on the interplay of local actors and the EU in the implementation process (Beysoylu, 2018). Although some studies offer the under-researched bottom-up perspective of local actors (see Beysoylu, 2018; Troncotă, 2018; Zupančič, 2018), these studies are still embedded within the larger frameworks of Europeanization, “normative power Europe” or EU integration (see e.g. Bieber, 2015; Economides and Ker-Lindsay, 2015; Zupančič, 2018). While these are valuable frameworks, few studies focus on Kosovo’s own statehood negotiations – with the exception of Visoka (2018a, 2018b) – because this is a disputed issue within the international community, as Kosovo has not attained full recognition as a state. I argue that the question of who has the right to claim statehood over the area of Northern Kosovo – *internally* performed statehood¹ – lies at the heart of why so few agreements have been effectively implemented and why partition has become a viable option.

Although Visoka (2018a, 2018b) gives notable agency to the local perspective of a state-in-becoming, specifically focusing on Kosovo’s efforts to become a sovereign state by exploring international

¹ For a similar case of the discursive construction of “sovereignty” and “recognition” and practices of statehood in Cyprus, see Constantinou and Papadakis (2001) and Constantinou (2008).

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recognition, his research does not focus on the performances of statehood *within* Kosovo, but only considers externally performed/legitimized practices. This article argues that internally negotiated statehood matters because both Serbia and Kosovo are “competing” for statehood and sovereignty in Northern Kosovo. It builds on Risse’s (2015) notion of “limited statehood” and conceptualizes Northern Kosovo as an area of “overlapping” limited statehood² of both Serbia and Kosovo. However, his framework takes certain categories, such as legitimacy (social acceptance), as a given and pre-discursive (e.g. Börzel, Risse and Draude, 2018). This is not a study of contested legitimacy (e.g. Gills, 1996; Sarbo, 2009; Baranyi, 2012), as legitimacy would require a certain government to be accepted by the governed (Risse, 2018) as a set of “sedimented norms” shared by a number of subjects (see Butler 1988). Legitimacy could be an effect of statehood-making practices, which would also be discursively constructed. Even though the contested legitimacy literature offers a valuable insight into what can be achieved through statehood-claiming practices, for instance Visoka’s (2018a, 2018b) contribution on Kosovo’s efforts for legitimacy of statehood in the international arena, it is not the focus of this article. Instead, what we see in Northern Kosovo is not a quest for legitimacy, but for hegemonic institution of statehood as such against the presence of the “other”, since the status of this area is still unclear. This makes legitimacy efforts all the more complicated, as there is no shared understanding of which state framework Northern Kosovo belongs to.

Additionally, the situation in Northern Kosovo puts into question Visoka’s (2018a: 4) argument that “Kosovo has demonstratively fulfilled the core criteria for modern statehood – [...] a defined territory, [and] an effective government with effective authority throughout the territory.” In fact, opposing claims to statehood and sovereignty over Northern Kosovo by both Serbia and Kosovo have more prominently entered public debates since the idea of partition resurfaced in 2018. Serbian state structures in the form of some Government-run enterprises, schools, hospitals, the University of North Mitrovica etc., as well as the local governments in the four Northern municipalities – North Mitrovica, Zvecan, Leposavic, and Zubin Potok – still exist and are run by Serbia. Although the Brussels agreement foresees a gradual integration of these institutions into the Kosovo-run framework, only some institutions are integrated (e.g. Mayor’s offices, the police force (KPS), and the judiciary since October 2017).

² Areas of overlapping limited statehood do not exist only in the North, but also in the so-called “enclaves” in central Kosovo around the cities of Gracanica, or Kamenica (see Dahlman and Williams, 2010). These “enclaves” are areas of majority Serb population with Serbian state structures still in place, however, due to the increased integration of Serbs into Kosovo state structures as part of the Brussels agreement, the overlaps in the rest of Kosovo are not as great as in the North. Additionally, the ongoing partition discourse only concerns Northern Kosovo, and predominantly leaves the “enclaves” outside of the field of contestation.

The analytical and theoretical framework developed here is particularly suitable for examining states “in-becoming” and internally contested statehood, as will be demonstrated in the analysis. Therefore, I am going to address the politics of performing statehood in Northern Kosovo both from the perspective of Kosovo’s attempt to articulate statehood in the area, as well as the attempts by the local Serbian politicians and representatives of Serbia to counter-articulate, challenge and perform statehood in the North. It is important to include both Serbia and local representatives in the analysis, as the latter are embedded in the Serbian state structures and navigate both “statehoods” through partial integration in the Kosovo structures. These actors need to be problematized, especially because of the political link between the major local Serb-led party *Srpska lista* (Serbian list) in Kosovo and the ruling party in Serbia, *Srpska Napredna Stranka* SNS (Serbian progressive party), with President Aleksandar Vučić as the leading figure.

Since performing statehood is the central issue, I am going to look into two main elements that are considered to “make up” a state (Bartelson, 1995; Hofbauer, 2016): effective government in the form of functioning *institutions*, and *sovereignty* in the form of control over a given territory/its borders and a monopoly on violence. I will focus on the discourses surrounding the integration of the judiciary from October 2017, as establishing functioning institutions is seen as one of the main attributes of statehood (visible, for instance, in the EU and UNMIK institution-building efforts in post-war Kosovo). This is one of the rare agreements which has been implemented and the implementation of which has not been discussed as widely as the implementation of ACSM (see e.g. Bergmann, 2018; Beysoylu, 2018; Bieber, 2015). In order to address the issue of sovereignty, first I will focus on Kosovo Special Police Forces (ROSU) entering Northern Kosovo to make arrests for the murder of a local Serb politician Oliver Ivanović in early 2018. This is important because of the verbal agreement between NATO and local officials in Northern Kosovo that ROSU would not enter this area without the permission of the local governments. Second, in terms of controlling borders, I will examine the introduction of a 100% tax on all imported goods from Serbia in late 2018 because of Serbia successfully blocking Kosovo from joining Interpol. This resulted in Serb politicians and institutional representatives in the North boycotting Kosovo institutions immediately after the tax was introduced and the arrests made. All these events from June 2017 to December 2018 must be seen in light of the ongoing debate on the exchange of territories, as it exacerbates both Serbia and Kosovo performing statehood in the North. In terms of the time span they cover, the two chosen case studies give a concise, but comprehensive snapshot of the conflicting practices of meaning-making. Because the analysis covers one and a half years, the article is able to provide an in-depth analysis, instead of focusing on a longer time span with less depth. This period is particularly important because of the partition discourse, which accentuates the conflicting claims-making process. The focus is on hegemonic discursive contestation, where the “everydayness” in politics becomes part of those contestations.

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The article starts by introducing a theoretical framework on performative statehood, in which central concepts will be scrutinized. A discussion on methodological premises will follow, developing notions of moments of articulation/institution grasped through nodal points. By using many different media sources, interviews and field research done in Northern Kosovo, the analytical part of the article contextualizes the analytical framework by discussing: 1) actors, specifically those embedded in multiple frameworks simultaneously, and 2) aspects of institutionalization and performance of sovereignty as central markers of “consolidating” statehood. This leads to some concluding remarks and directions for future research.

Performing the state: why articulatory practices and discourses matter

A performative conception of statehood – as I adapt in this case study – departs from realist conceptions in many ways. Mainstream scholarship on sovereignty and statehood predominantly sees these categories as ahistorical and static, tied to the Western connotation of statehood. In this tradition, statehood is “manifested through an effective government, territory, and distinct populace – detached from everyday performances” Visoka (2018a: 9). Most notably, statehood presupposes sovereignty, or control over a given territory and a monopoly on violence (see Bartelson, 1995; Hofbauer, 2016; Krasner 1999). The understanding of a “strong” or “functioning” state that fulfills certain criteria in order to be called as such has become so entrenched in our international system that individuals, governments etc. have symbolically established “expectations” of the state (see Bellina et al., 2009; Richards, 2014). Both international and internal actors (Heathershaw, 2014) enact this model of statehood, which makes an examination of internally “produced” statehood all the more important.

A performative view does not define statehood as a set of criteria that need to be fulfilled, but understands that “statehood has no ontological status apart from the claims, representations, assumptions and routines performing it in political and legal practices” (Grzybowski and Koskenniemi, 2015: 29). This means that there is no a-priori existence of the state, and that it only comes into being through performances.³ Similarly, allocating more importance to discourses, Neumann (2002) argues that above all states need to be understood as social and textual constructs, which are performed through everyday practices of speech and text-writing. For him, sovereignty is not a fact (e.g. institutional arrangements, or governmental capabilities as a *quality*) but is produced as an interplay between discourse and practice (Neumann, 2002). In other words, we need to explore how state-becoming or sovereignty-claiming are “implicated with meaning-making” (Visoka, 2018a: 8), while also acknowledging that there is no “final consolidation” of statehood – it is an open-ended process. In this manner, “acting like a state” means performing certain aspects of dominant discourses on what constitutes a state, be it functioning

³ For a discussion of a similar principle in regard to nations as imagined communities, see Anderson (2006 [1983]).

institutions, monopoly on violence etc. Visoka (2018a) has, for instance, explored how Kosovo is “acting like a state” through pursuing international recognition and membership of international organizations. Consequently, “enacting the state” is about performative practices of statehood that (re)constitute the dominant discourses on what makes up a state, since performing these discourses might point to the gaps in their rules and the “in-between” spaces that Kosovo might occupy.

Taking these discussions as a starting point, two central concepts inform the performative understanding of statehood here: performativity and discourse. Following Butler (1993), this article adopts Weber’s (1998: 81) distinction between performance as a “singular and deliberate act”, and *performativity* of statehood as a “reiterative and citational practice by which discourse produces the effects that it names”⁴ and relies on the latter. This allows for a more coherent bridge towards dealing with the second concept – discourse. The Essex school approach defines discourse as a “totality which includes within itself the linguistic and the non-linguistic” (Laclau and Mouffe, 1990: 100) and rejects “the distinction between discursive and non-discursive practices” (Laclau and Mouffe, 1985: 107). Contrary to Neumann (2002), who favors practices over discourse and delineates them, Laclau and Mouffe (1985) see all social practices as discursive, because there is no meaning outside the discourse. Because of this, there is no transcendental center of fixity. This puts the notion of “articulation” at a central spot in their theory, as recognized by DeLuca (1999). He claims that “in a world without foundations, without a transcendental signified, without given meanings, the concept of articulation is a means to understanding the struggle to fix meaning and define reality temporarily” (DeLuca, 1999: 334). For Palonen (2018a: 182), following DeLuca and Laclau and Mouffe, “articulation is a practice, and hence, [...] speech and writing also have a meaning-conveying or transforming function.”

How do we then bring performativity and discourse together? Palonen (2018a: 181, emphasis added), stresses that Butler’s concept of performativity “resonates with the idea that meaning-making processes [as understood by Laclau and Mouffe] are not mere speech or writing, but their performative character makes them *constitutive*.” Through performative acts, meaning becomes constitutive. Precisely these constituting differences (that is, the constitution of the abstract “us” in the field of heterogeneity) form the basis for political meaning-making (Palonen, 2018a), because only when drawing frontiers between a constitutive inside and a constitutive outside can we speak of politics (Laclau, 1990).

Frontiers, or borders, in this case study relate to space-claiming practices. Following Laclau, Hussey (2018: 308) understands space as “politically instituted and antagonistically constituted,” because “it is defined relationally by what it excludes, by what it is not.” This means that space-claiming practices, or practices of territoriality, are political inasmuch as they institute, uphold or contest imaginaries of the

⁴ For a similar view, see Campbell (1998), both of whom rely on Butler’s (1993) notion of performativity.

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space. Referring to Brambilla’s (2015) concept of borderscapes designating borders as a fluidly constructed space, Bilgic (2018: 549) argues that “sovereignty is performed in the borderscapes (inside and outside of geopolitical borders)” through encounters/renegotiations of various actors aiming to “re-draw the border and re-signify the political community as fixed [and] pre-discursive.” This is reflected in the “everydayness” of statehood and sovereignty in this region, or the more stabilized referentiality to statehood through the symbolic display of flags, usage of a specific language or script in street names or on institutional buildings, or the establishment of monuments as references to national history (see Fox and Miller-Idriss, 2008). A detailed discussion of this, however, exceeds the scope of this article. I mainly ask how statehood is performed as a means of legitimizing discourses of what a functioning state looks like from the perspective of those in power, and how it can be questioned locally.

Taking all the above-mentioned into account, internal performativity of statehood relates to *enacting, adhering to, and embodying established and international discourses of what statehood means, with the aim of abolishing the presence of the antagonistic “other”*. This performativity encompasses all practices, without distinguishing between social and discursive ones. As mentioned by Bellina et al. (2009), Richards (2014) and Heathershaw (2014), in the case of Kosovo, this symbolically constructed set of norms of what a state is, or what having sovereignty over the whole territory is, is performed by and expected of a multitude of local actors. Following Laclau’s (1990) notion of drawing frontiers between “us” and “them” as constitutive of political meaning-making, statehood in Northern Kosovo performed by Kosovo officials directly counters similar performative acts by the Serbian minority leaders and the Serbian state, which are trying to oppose the “consolidation” of the Kosovo state in the region. This antagonistic relationship is central to performativity of statehood in Northern Kosovo, meaning that particular emphasis is placed on examining discursive struggles over meaning, instead of strategies and motivations of actors (Diez, 2014). Even though Butler (1990: 141) claims that performativity means acting “in the mode of belief”, this article’s readings of performativity does not understand belief as part of the inner life worlds of actors, similar to Diez (2014), but as sedimented discourses that become so naturalized and habitualized, that they are not questioned anymore (see Butler, 1988). In struggles over meaning, this sedimentation might become the endgame of these struggles, for instance if Serbia’s or Kosovo’s statehood become accepted as “legitimate”, but it is not the focus of this study. What is the focus are the *attempts* at making a certain statehood *appear* as if it was sedimented, which the analysis will illustrate. The article does not address belief as such, but the practices that might enable a certain statehood to be accepted as legitimate in the long run.

Analytical framework: moments of articulation/institutionalization and different positionalities of actors

The approach developed here can be useful for interrogating similar examples of territorial conflicts, or “overlapping” limited statehood, for instance Eastern Ukraine or Palestine. In order to focus on performative meaning-making practices seeking to establish statehood in Northern Kosovo by two competing political projects, I employed a discourse-theoretical analysis (Laclau and Mouffe, 1985), but following the analysis of “moments” as done by Palonen (2018b). Palonen (2018b: 309) argues that “[m]oments enable us to grasp the significant processes of identification and disidentification as well as challenges to and establishment of new structures of meaning.” Hence, the analysis will track and open-up moments when the performative character of statehood is revealed and where meanings are attempted to be fixed. Any articulatory practice seeking to stabilize the discourse around who has the right to claim statehood in Northern Kosovo must be grasped through “nodal points” as moments of fixing the discourse around certain signifiers (Laclau and Mouffe, 1985). This article goes a step further and acknowledges nodal points as processual, carrying a temporal dimension, similar to Palonen’s (2018b) conception of (symbolic) moments. This fixity can also result in the formation of institutions, and one of such nodal points is the earlier mentioned integration of the judiciary, materializing the discourse on consolidating Kosovo’s statehood in Northern Kosovo. This also means that institutions are regarded as being part of the discourse, following a broad conception of discourse by Laclau and Mouffe (1990). Thus, nodal points and moments of articulation and/or institution are a way of approaching the empirical material, making them a central issue of analysis that reveals discursive oppositions, and how these oppositions are materialized. In contrast to binary oppositions, which can be seen as discursive relations, nodal points are discursive elements that anchor and materialize a certain discourse on statehood in a certain symbolic moment. Any moment of institution of a discourse and any articulation that anchors that discourse can be seen as a nodal point, whereas a discursive relation, such as opposition, cannot be a nodal point.

Apart from nodal points, different actors and their “subject positions” (Laclau and Mouffe, 1985) within the discourse should be considered as well. The notion of the subject position (in contrast to the notion of the subject) is more-or-less an empirical one, as in “[the general field of objectivity,] there are only subject positions” (Laclau, 1990: 61). This means that in discourse-analytical terms, we should focus on discourses as “surfaces of inscription” of different subjects’ “identities” through acts of identification. Finally, subjectivation designates the process of subjects assuming different subject positions in a certain discourse (Laclau, 1990). A more elaborately developed conception of actors in discourse-theoretical empirical analysis can be found in Marttila (2015: 133), who articulates a topology of discursive identities. Comparing Marttila’s (2015: 132) concepts with the previously-elaborated framework, the nodal points of a discourse would be “ethical ideals” (paramount values and ideals embodied by nodal points), and the discursive limits would be “antagonistic others” (opponents and threats that endanger the

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3 attainment/sustainment of the ethical ideals and lie outside the discourse, constituting it). The relevant
4 subject positions would translate into “protagonists” (champions/protectors of the ethical ideals),
5 “helpers” (subjects supporting the attainment/maintenance of ethical ideals), and “opponents” (subjects
6 within the same discourse opposing/jeopardizing the attainment of ethical ideals). These categories will
7 be used in the following analysis.
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12 ***Note on data collection***
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14 The majority of sources used for the analysis come from the *KoSSev* portal, a Serbian-language news
15 portal located in Northern Kosovo that gives a detailed assessment of the political situation in the North,
16 portraying practices by the Kosovo Government and by the Serbian minority leaders. A total of 103
17 articles have been analyzed covering the mentioned timespan of mid-2017 to end of 2018. To gain more
18 contextual knowledge about the pre-integration phase of the judiciary, I interviewed three interlocutors
19 from Northern Kosovo: one local official, one NGO representative and one court employee in June
20 2017. During the interview phase, I made myself familiar with the spatial politics of Northern Kosovo,
21 and I use my observations in the analysis. I have also consulted other sources, such as the Pristina-based
22 online magazine *Prishtina Insight* (in English language) for more context. All the material has been coded
23 according to moments of articulation of statehood (e.g. oath-taking; status-neutral declaration etc.) and
24 moments of institution of statehood, pointing to a more stabilized discourse (e.g. integrated judiciary
25 established; resignation from Mayoral posts etc.). As the majority of my material comes from media, it
26 must be acknowledged that all media give a specific representation of the events and act as (re)producers
27 of discourses. However, as I am conducting a discourse-theoretical analysis, studying representations is
28 inevitable and the media outlets were chosen because they retain integrity of the original statements and
29 events. Data integrity is also ensured through using a multitude of different sources and data-gathering
30 techniques, such as interviews and observation, as well as my general contextual knowledge of the area.
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44 **Different positionalities of actors**
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46 Actors are crucial social forces in the fixing of meaning in discourses as they draw political frontiers
47 “between differently positioned agents, thus establishing boundaries between the ‘insiders’ and ‘outsiders’
48 of a discourse” (Howarth, 2015: 10). As indicated, Serbian minority leaders, specifically those who
49 simultaneously occupy political positions in both the Serbia-run and Kosovo-run frameworks, require
50 particular attention. Their subjectivation into two opposing discourses means that at one point, they
51 might articulate and/or stabilize Kosovo’s statehood, and at another Serbia’s statehood in Northern
52 Kosovo. The former manifests itself in their role as mayors, or in their support for the integration of the
53 judiciary into the Kosovo framework; the latter in their often simultaneous role as municipal presidents
54 or leaders of the local assemblies within the Serbian system. It is also evident in other performative
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practices, such as boycotting and protesting against Kosovo's institutions in the North, helping maintain other Serbia-run institutions (schools, hospitals etc.), instituting material "symbolic statehood" of Serbia through the display of Serbian state flags, erection of monuments of Serbian medieval figures etc. Additionally, they perform articulatory practices that stabilize Serbia's statehood in the North, through consistently calling Kosovo a province of the state of Serbia, or the North part of Serbia.

However, none of these practices in favor of Serbian statehood can be sustained without the support of Serbia. Serbia can still exert power and perform sovereignty over this region through financing Serbia-run institutions. Serbian state officials also frequently visit the region, for instance President Aleksandar Vučić in September 2018, who the local political leaders welcomed as the only legitimate president (KoSSev, 2018a, 2018b). He has frequently expressed his support for the Srpska lista (KoSSev, 2018a) and this party is regarded an extended hand of Serbia in Kosovo. For instance, when Srpska lista won the local elections in Northern Kosovo in October 2017, right before the implementation of the agreement on judiciary, President Vučić addressed the celebrating local population on the streets of North Mitrovica with the phrase "Long live Serbia, and Kosovo and Metohija as part of Serbia!" (KoSSev, 2017a). Hence, the very fact that Srpska lista is in power in Northern Kosovo is an articulation of Serbian statehood there, even though the organization is part of and acting within the Kosovo framework.

The same logic applies to Kosovo state representatives and their articulations. Calling the integration of the judiciary a consolidation of the country's statehood across its whole territory is only one manifestation of this position. Others include the entering of ROSU into Northern Kosovo to accompany Kosovo President Hashim Thaçi in September 2018, without the consent of the local mayors, or their entering in late 2018 to make the arrests mentioned earlier. The fact that President Thaçi entered the North to visit lake Gazivode, a strategically and economically important site that President Vučić visited during his stay a few weeks earlier, is an act of re-articulating Kosovo's statehood there against the presence of Serbia's statehood manifested through Vučić.

To operationalize Marttila's subject roles in this analysis, the protagonists in the discourse on Serbia's statehood in the North are certainly the Serbian minority leaders, as well as Serbian Government officials, such as President Aleksandar Vučić, who are responsible for articulating the boundaries between "us" and "them" and instituting the political frontier against the antagonistic Albanian "other". In the discourse on Kosovo's statehood, the protagonists are Kosovo Government officials, including President Hashim Thaçi. The Serbian minority leaders occupy a double position: sometimes they are seen as helpers who can institute Kosovo's statehood in the region, but more often than not, they are seen as opponents of the attainment of ethical ideals – the full consolidation of statehood in the North.

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The Serb minority leaders' subjectivation into these opposing discourses is simultaneous, but when certain issues are re-politicized and framed as a crisis, such as the issue of taxation, the antagonistic relationship between them becomes more obvious and they choose one side. These discourses on statehood in Northern Kosovo are simultaneously intersecting with larger discourses on ethnic divisions and irreconcilable differences between Serbs and Albanians – something that has been discussed many times in the academic literature (see for instance Zdravković, 2005; Mertus, 1999; Čolović, 2002). The recent debate on partitioning Northern Kosovo directly ties to these ethnicized discourses, as it perpetuates the antagonistic relationship that can only be abolished through absolute separation. The discourses are also evident in the boycott of institutions by Serb minority leaders, who perpetuate an ethnicized conception of the institutional frameworks – as will be demonstrated below.

Articulating statehood in Northern Kosovo: Institutions and Sovereignty

This article argues that discourses on opposing statehoods are based on several dichotomies: independent state vs. province, status neutrality vs. independence, provincial judiciary vs. state judiciary, establishing institutions vs. boycotting institutions, imposing measures vs. protesting measures, controlling space vs. disrupting control, and similar. All these dichotomies act as nodal points that stabilize the opposing discourses on statehood in the region. Moreover, Serbian statehood and Kosovo statehood can be perceived as floating signifiers (Laclau and Mouffe, 1985), as they have no fixed meaning as such, but their meaning is contingently re-stabilized through nodal points in discourses.

Institutionalizing Kosovo Statehood through Judicial Integration

The establishment of the integrated judiciary is one of the articles of the Brussels agreement, the implementation of which has not been discussed at length in current scholarship. Apart from the provisions relating to the judiciary in the Brussels agreement, an additional agreement was reached in 2015, discussing the particularities of the integration; however, since 2015, the implementation of this agreement has frequently been postponed (KoSSev, 2017b). The integration was supposed to improve the rule of law in Northern Kosovo, because it would consolidate the two judicial systems into one, as has been confirmed by the interlocutors I interviewed (A Hodžić, L Rakić and N Kabašić 2017, personal communication, 20 and 21 June). Prior to the integration, the Serbian judiciary could not cooperate with the Kosovo police and implement court decisions, while the Kosovo judiciary was relocated from the North to Southern Kosovo, with an immense backlog of over 60,000 cases (Ombudsperson Institution of Kosovo, 2016). When the Kosovo President Hashim Thaçi and his counterpart of Serbia Aleksandar Vučić re-engaged in the dialogue in early July 2017 (Bailey, 2017), the integration of the judiciary was framed as the next important step towards implementing the Brussels agreement in full (KoSSev, 2017c).

The agreed date for the integration was initially October 17, 2017, but it was postponed for a week, because of the local election in Kosovo, which the Serbian list won in the North.

The main lines of conflict go along opposing practices of articulating statehood as embodied in the judiciary. The first issue was the framework under which the courts would operate. While Serbian state representatives and local minority leaders emphasized the status neutrality of the courts, the state representatives of Kosovo saw the integrated judiciary as a sign of consolidating Kosovo's statehood, anchored around the reiteration of the signifier "Republic of Kosovo". For instance, the President of the Judicial Council of Kosovo emphasized that the court is part of the judicial structures of the Republic of Kosovo (KoSSev, 2017d) and declared that "for the first time since 1999, the courts of the Republic of Kosovo" would start working again in the whole country (KoSSev, 2017e). This performative claim establishes a historical continuity between the Yugoslav institutions in Kosovo prior to the Resolution 1244 from 1999, which introduced international administration in Kosovo (UNMIK), and the institutions of the Republic of Kosovo after it declared independence in 2008. Even though the pre-1999 institutions had nothing to do with the institutions post-2008, this can be interpreted as an act of claiming a historical right to the area of Northern Kosovo and justifies the presence of the integrated court under the Kosovo framework. It is a reaction to counter claims of statehood by Serbia, through abolishing the institutional presence of the Serbia-run courts.

Contrary to this, Serbian representatives de-emphasized the statehood aspect of the judicial integration, and often referred to the new institutions as "provincial judiciary" or mentioned the *legal*, instead of the *institutional* framework in which these courts would operate. For instance, after the integration on October 24, 2017, the Minister of Justice of Serbia said that the judges and prosecutors gave a "status-neutral declaration to access the provincial judiciary" and that this step was a sign of "strengthening of rule of law principles and enabled a better access to justice for all citizens of Serbia living in the southern Serbian province" (KoSSev, 2017d). Additionally, whenever the president of the Basic court of Mitrovica Nikola Kabašić, an ethnic Serb, would refer to the judiciary, he emphasized that the courts would operate under Kosovo law, without attention to statehood issues (KoSSev, 2017f). Due to the Serbia-run courts being abolished in Northern Kosovo, the only way for the Serbian minority leaders to claim statehood over the region was to de-emphasize the *institutional framework* to which the courts belonged, but employ a rather technical vocabulary and emphasize the *legal framework* under which the courts operated.

Another issue concerned the practicalities and institutionalized "rituals" accompanying such an integration, which could be interpreted as signs of legitimizing either Serbia's or Kosovo's statehood. Different meanings were given to the performative oath-taking of the Serbian judges and prosecutors before the President of Kosovo. Whereas the Judicial Council claimed that the Serbian judges and

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prosecutors would “take an oath before the President of the Republic of Kosovo”, the Ministry of Justice of Serbia declared that they would “take a status-neutral oath” – a different oath from that taken by their Albanian colleagues. They have also claimed that the agreement on the integration from 2015 had emblems of neither the Republic of Kosovo, nor of Kosovo and Metohija as a province of Serbia (KoSSev, 2017e). In this context, Serbian officials often refer to the Kosovo institutions as “temporary institutions”. The Kosovo Government, on the other hand, claimed that the integration would consolidate the judicial system across the country and mean the implementation of laws of the Republic of Kosovo (KoSSev, 2017d). The conflicting claims, whether the judges and prosecutors took an oath, or gave a status-neutral statement has great symbolic value, as both represent the presence of either state in Northern Kosovo against the background of the unresolved status of Kosovo. The status relates to temporality and becomes a nodal point as well: it either stabilizes the discourse around a permanent (consolidated statehood) or a temporary presence (status-neutrality) of these institutions. In such a situation, the reiterative and referential *claims-making* of statehood – essentially, performativity – becomes even more important, as there is no stabilized meaning around which state has the right to statehood here. One could say that performing the state is about the modes of statecraft that “realize” the abstraction of the state. Performing statehood, on the other hand, would be about the types of action that bring about and institute a particular type of state,⁵ in this case either Serbia’s or Kosovo’s, with all its temporality (history) and spatiality (territory). Eventually, legitimacy may become an effect of statehood-claiming practices, a form of sedimentation.

Apart from articulatory practices, once the integration was “declared” on October 24, 2017, more material aspects of the integration came into play. The new Basic court was divided across several buildings in both North and South Mitrovica. The division of the Basic court intended for dealing with civil cases, misdemeanors and cases involving minors was situated in South Mitrovica, predominantly populated by Kosovo Albanians. The division in North Mitrovica in the ethnically-mixed neighborhood of Bosniak Mahalla was intended for dealing with serious crimes. The same building houses a division of the Appellate Court, as well as the Prosecutor’s Office. The panels of judges reflect the ethnic composition of Northern Kosovo, which means that the positions are predominantly occupied by Kosovo Serbs (KoSSev, 2017f; KoSSev 2017g). The symbolic moment of the Kosovo Serb judges and prosecutors entering the actual court buildings, a moment that also acted as a nodal point, embodied a performative dissolution of the Serbia-run judiciary and a substitution with the Kosovo-run framework.

Even if institutionalization means the stabilization of articulatory practices anchored in actual materiality (there is a building or several buildings symbolizing this sedimentation, around which Kosovo’s statehood

⁵ I particularly thank the anonymous reviewer 1 for bringing this distinction to my attention and helping me clarify this argument.

is repeatedly performed and stabilized), it does not mean that it cannot be challenged by politicizing practices. This is something that the local Serb leaders have used as a means of counter-performing the statehood of Serbia in the region, mainly through boycotting their work in Kosovo-run institutions. Even though they strategically participate in Kosovo institutions when it is deemed to be to their own benefit, or when Belgrade gives a signal that they should (participating in local elections, establishing Mayor's offices, dissolving the Serbia-run courts), this participation is quite fluid. On numerous occasions, local Serb leaders, including judges and prosecutors, have boycotted their work in the central Kosovo Government, or their work in local institutions, such as the Mayor's offices (KoSSev, 2018c, 2018d) or the integrated Courts and Prosecutor's Office (KoSSev, 2018e).

Performing Sovereignty: Monopoly on Violence and Control of Borders

The question about who has sovereignty over Northern Kosovo has been an issue of dispute between Kosovo and Serbia since at least Kosovo's declaration of independence in 2008. The space itself being part of this contestation compels us to look closer at how it is constituted in discourses. Following Hussey (2018: 308), the contested space of Northern Kosovo can be seen as "politically instituted and antagonistically constituted," as it is always defined by what it excludes. From the perspective of Serb minority leaders and Serbia alike, Serbia has sovereignty over Northern Kosovo even more so than the rest of Kosovo, precisely because Serbia's sovereignty is not only performed through institutional presence and practice, but also symbolically constructed in everyday practices, as mentioned at the beginning.

For instance, the number of Serbian state flags displayed in Northern Mitrovica immediately catches the observer's eye. They are displayed all over the city, particularly the center and the pedestrian area leading to the main bridge, which separates Northern Mitrovica from its southern part predominantly populated by Kosovo Albanians. This display of flags, acting as a nodal point, is a performative practice of instituting Serbia's statehood in the region, and the space of display relates to its antagonistic other, the south of the town. Flags are not the only practice of statehood-making: erected in 2016, the statue of Tsar Lazar – who led the Serb army in the Battle of Kosovo of 1389 against the Ottomans – in the center of the city, his finger pointing towards the South of Kosovo where the battle took place, is yet another symbolic institution of the Serbian state in the North. Some street names are written in the Serbian Cyrillic alphabet and the square where the Tsar Lazar statue is located is called the Square of Nikola Pašić, which is another reference to Serbian historical figures and national heroes. Hence, there is a clear antagonistic construction of this space by drawing reference to symbolic nationhood (Fox and Miller-Idriss, 2008).

Two practices contest this rather stabilized construction of Serbian sovereignty in Northern Kosovo: permeating the boundaries of instituted/stabilized space, and re-instituting boundaries through

performative control of the space. The former is evident in ROSU's entering Northern Kosovo to accompany President Thaçi to visit lake Gazivode, and their arrests of Serbs from North Mitrovica for the murder of Oliver Ivanović, and the latter is clear in the re-institution/control of Kosovo state borders through imposing the 100% tax.

The permeation of boundaries by Kosovo actors is a performative act that directly challenges previous agreements between Serbia and Kosovo, which state that Kosovo officials and Special Forces are only allowed to enter the area with the consent of local mayors. They agreed on this in 2013, after a crisis in Northern Kosovo that started with Serbs erecting roadblocks in 2011 against the attempt of ROSU to take over two administrative crossings to Serbia, Jarinje and Brnjak. Hence, any permeation of Northern Kosovo boundaries, as instituted by the Serbs, is seen as a hostile. One of such acts was the visit of President Hashim Thaçi to the lake Gazivode located in the Northern municipality of Zubin Potok on September 29, 2018 (KoSSev, 2018f). He was accompanied by ROSU, which, given the history of ROSU's permeation into the area and the events of 2011, was constitutive of two issues. On the one hand, President Thaçi entering the North embodies the institution of this space as part of the state of Kosovo; on the other, ROSU's accompaniment was a practice of sovereignty-making through exercising Kosovo's monopoly on violence. Both these practices of fixing discourse challenge the symbolic claim by local Serbs that Northern Kosovo is part of Serbia.

Another exercise of Kosovo's monopoly on violence was ROSU's entering North Mitrovica on November 23, 2018, in order to arrest three people suspected of the murder of the local Serbian political leader Oliver Ivanović (KoSSev, 2018g). The raid and arrests were made at six in the morning and accompanied by emergency sirens. Two people were arrested for the murder, one for obstruction, and a fourth person who was supposed to be initially arrested fled before ROSU could apprehend him. That person was one of the vice presidents of *Srpska lista* named Milan Radoičić and is known within the local Serb population as the first man of the underground of North Kosovo (see also Zupančič 2018). After the arrests, the Serbs gathered next to the statue of Tsar Lazar and one of the vice presidents of the *Srpska lista* Igor Simić called the arrests a "brutal act" by Pristina aimed at "intimidating the Serbian people in the North of Kosovo and Metohija" (KoSSev, 2018g). The arrestees were called "peaceful people" and the attempted arrest of the vice president Radoičić, who fled to Serbia, was declared a "murder attempt" (KoSSev, 2018h). It is evident how the mentioned binaries of statehood-making operate here: legitimacy vs. illegitimacy of exercise of power, instituting vs. challenging authority, arrests vs. murder attempts, murder suspects vs. peaceful people – the list could go on.

When it comes to the re-institution of boundaries through performative control of the space, the issues of borders and border-control in Northern Kosovo become central. Ever since the declaration of

independence from 2008, the control of the borders in the North has been on the agenda of the Kosovo Government. The Agreement on the Integrated Border/Boundary Management (IBM) from 2011 foresaw both Serbian and Kosovo police managing the border (which in status-neutral terms is called an “administrative crossing/line”). The Kosovo police would manage the customs, but with status neutral stamps denoting “Kosovo customs” (Assembly of Republic of Kosovo, 2013) and overseen by EULEX (Office for Kosovo and Metohija, 2011a). It was also agreed that all the tax collected from the IBM crossings would go to the so-called “Development Fund for the North”, from which various infrastructure projects in Northern Kosovo have since been financed (National Audit Office, 2017).

Naturally, since status-neutrality lies at the core of the IBM deal between Serbia and Kosovo, any attempt at re-politicizing the issue of customs and taxation calls this neutrality into question. Hence, taxation places border control at the heart of the struggle for sovereignty in the region. The 100% tax on all goods imported from Serbia was introduced on November 21, 2018, only two days before the arrests of Kosovo Serbs, and was a retaliation of the Kosovo Government against Serbia because of Serbia successfully blocking Kosovo from becoming a member of Interpol. The introduction of the tax went against the CEFTA free-trade agreement in the region (Office for Kosovo and Metohija, 2011b) and was a point of contestation even during the negotiation of the IBM agreement from 2011 and its implementation in 2012. The fact that Kosovo customs were introduced back then was constructed as a sign of sovereignty for the Kosovo Government, and was accepted by the Serbs because it adhered to status-neutrality and all the collected taxes from IBM crossings went into the Development Fund for the North. After the Kosovo Government decided to introduce a 100% tax on all goods imported from Serbia meant that the shops, hospitals, pharmacies, student canteens etc. in the North, who predominantly received their goods through the Northern border with Serbia, would be dramatically affected. It was also a reference to the previous IBM debate from 2011 and 2012 and was challenged by the Serbs through using alternative crossings avoiding the customs altogether, that were constituted as illegitimate.

These moments of instituting Kosovo’s sovereignty over the region resulted in local Serb leaders and Serb representatives in Kosovo institutions, such as the integrated judiciary, stopping their work in these institutions. On November 27, all four mayors of the Northern municipalities have resigned from their posts and several local assembly representatives have signed a declaration of breaking off all communication with the Government in Pristina (KoSSev, 2018d). The mayor of North Mitrovica called these taxes “anti-civilizational and directed against the Serb people in Kosovo” and the mayor of Zubin Potok declared that he would ask the Speaker of the Serbian Parliament to call for elections in the Serbia-run institutional framework. The court staff of the integrated judiciary has stopped their work in these institutions and submitted a letter to the Basic Court president to re-assess the participation of Serbs in these institutions with the Serbian Government. On the same day, after the extraordinary local assembly

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3 sessions in the four municipalities, the first protest on the streets of North Mitrovica was organized,
4 gathering Serb representatives in front of a reported audience of 10,000 people (KoSSev, 2018c). The
5 aim of the performative act of submitting resignations from their posts as mayors was to stabilize the
6 discourse around the presence of only one legitimate state in the North – Serbia. The moment of leaving
7 all institutions constitutes the institutional framework as antagonistic. The unity of the Serb minority in
8 the North is articulated against the “other”, the Kosovo Albanian, in all its forms and frameworks. The
9 political frontier is drawn against everything that the Kosovo Albanian presence in the North embodies.
10 The often referred to articulation by local Serb leaders that the 100% tax measures were “anti-
11 civilizational”, reinforces this antagonistic divide. Their previous participation in the Kosovo institutions
12 was framed by the *Srpska lista* vice president Simić as an act of political struggle for preserving “their own
13 [Serbian] institutions”, and as a strategy that was abandoned because the Serbs did not want to play the
14 role of a “quota” or “décor in their [Albanian] institutions” (KoSSev, 2018e). Thus, the only logical choice
15 for local Serbs in this constellation was to renounce entirely the statehood of Kosovo in the region and
16 adhere only to Serbian statehood. Again, this shifting subjectivation makes visible the fluid positionalities
17 of actors embedded into two separate discourses.
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21 Finally, a practice that illuminates both the permeability of borders and fluidity of sovereignty and border-
22 control in the region is the barricade on the Mitrovica main bridge. The barricade was supposed to be
23 abolished through various agreements but it is still present. Barricades erected by the Serb minority in
24 Northern Kosovo have been a political tool often used in their struggle in performing statehood in the
25 region. The barricades were first erected in 2011, when the said North Kosovo crisis began. The local
26 Serbs violently protested, one police officer was killed, and the barricades were subsequently erected all
27 over the North to block the roads leading to the South of Kosovo and prevent further ROSU intrusions.
28 These barricades were monitored and occupied by the Serbs day-and-night and only once the IBM deal
29 was reached, did the situation relax. Although the majority of barricades and roadblocks have been
30 removed during the last few years, the barricade on the main bridge, connecting the centers of North and
31 South Mitrovica was even re-enforced with metal and concrete walls by the local Serb leadership in late
32 2016, under the explanation of the revitalization of the main bridge (KoSSev, 2018i). The wall was
33 brought down a few months later, but the main bridge is still not open for traffic. This frequent
34 postponement of the opening of the bridge is one of the performative acts by the local Serbs challenging
35 Kosovo’s sovereignty over the North. It also constitutes the space of Norther Kosovo as being controlled
36 by the Serbs only, against the attempts of Kosovo to establish its sovereignty.
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56 Conclusion

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This article has discussed the performative aspect of statehood in Northern Kosovo, against the background of the antagonistic relationship between the Serbian and Kosovo Albanian institutional frameworks. In this sense, the analysis has shown that opposing and competing projects of consolidating statehood operate based on binaries, but with actors who can adhere to opposing discourses simultaneously. The judicial integration especially illustrated this binary opposition in claims-making practices of statehood through floating articulations and more stabilized ones. The performance of sovereignty illuminated the issue of changing positionalities of actors in a situation in which the institutional framework becomes re-politicized through the introduction of the 100% tax and the boycott of institutions, re-instituting the antagonistic relationship between the two frameworks. In this political context, alternative articulations of identity are almost entirely marginalized, since the emphasis is put on (re-)drawing antagonistic frontiers instead of transforming them. For instance, there are political alternatives to the *Srpska lista* in Northern Kosovo that do not entirely see themselves as representatives of the Serbian statehood project, such as Oliver Ivanović's party *Srbija, demokratija, pravda – SDP* (Citizen's Initiative "Serbia, Democracy, Justice"). However, during the period of this analysis, they have been pushed to the margins, culminating in Ivanović's murder.

The adoption of a performative view on statehood has proved to be particularly useful in the analysis, as neither Serbia nor Kosovo have "attained" statehood over Northern Kosovo. Moreover, sovereignty and statehood by both governments and the local political representatives are continuously performed, making full "consolidation" of statehood unattainable. The article contributes to statehood literature in two ways: it makes the nuances between performing the state and performative statehood clearer and draws a distinction between contested legitimacy and performative statehood. The analytical approach applied here seems promising, particularly considering disputed statehood, where what counts as "statehood" is constantly shifting and being appropriated by different sides. Competing claims over a certain region render the processuality of state-becoming visible. They also give attention to the ambivalent positions different actors must take within this process, and the way they legitimize opposing claims at the same time.

As mentioned at the beginning, the framework can be applied to other contestations over statehood in the world, such as the case of Palestine and Israel, or the case of Crimea as a site of contestation between Russia and Ukraine. These examples also offer directions for future research and would potentially offer insight into situations in which the overlaps might not be as pronounced as in the case of Northern Kosovo. Theoretically, this framework could be expanded to explore performativity of statehood in areas where statehood is not institutionally disputed, but rather symbolically, through investigating other practices of meaning-making that are not heavily politically-loaded.

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As to why the Brussels dialogue has not yielded many tangible results, it has been demonstrated that discursive struggles over who has the right to claim statehood in Northern Kosovo characterizes the entire process of implementation. The implementation cannot be successful, and the discourse around either Serbia's or Kosovo's statehood stabilized around certain nodal points, as long as this question is "hovering over" the dialogue. The antagonism between the two institutional frameworks is also not a given but is continuously brought into existence through performative acts by both sides. The established discourse on ethnic divisions between Kosovo Albanians and Serbs, that all these performative acts are constitutive of, prevent the neutralization of the antagonistic relationship between the two constructions of rightful statehood in the region. The antagonism can be institutional, as well as constitutive of discourses on ethnic and irreconcilable divisions. In other words, the conflict in question is not only about ethnicity, but about governance and positionality. The recent partition discourse puts antagonism – institutional and otherwise – at the heart of all problems, conflating ethnicity with institutions and making it seem as if the only possible solution to the dispute is exclusionary division.

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